1948

File No. 0 Epidemic Diseases 48

Legal **DEPARTMENT**

A. **BRANCH**

Subject:— 0 Epidemic Diseases

Opinions under the Epidemic Diseases 1897

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File No. 0. Epidemic Diseases 48.

Bld. Scott. Silp 24-B

54-A.

Legal Department File No. 2. Epidemic Diseases/40

Serial No.	Compilation No.	Subject	Pages.
		Opinions under the Epidemic Diseases Act, 1897.	
	G. I.No. 411 10/1/1940	S. 2 (1)-	
	O. No. 488 10/1/1940	Bombay District Police Act, 1890.	
		S. 45 (1) Application of health regulations to obnoxious occup.	1-4.

Submitted.

2. It is reported by the Asstt. Director, Public Health, C. R. D. Poona that there is prevalance of enteric fever in the Chembur Refugee Camp. The Director of Public Health suggests that it is necessary to remove the unauthorised eating houses in the vicinity of the Camp and therefore the District Magistrate may be requested to issued regulations under section 45 (1) of the Bombay District Police Act, 1890 as at P. 1 ante.

H. and L. G. Department states that as Chembur is in B. S. D. there is no D. M. for the district who can issue these regulations nor the jurisdiction of the Bombay Municipality extends to the village. The R. L. A. is requested to advise as to how the precautionary measures suggested by the Director can be enforced in respect of the Chembur camp.

3. "Greater Bombay" as defined by section 2(2) of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, means the areas for the time being specified in Schedule A. Chembur village is one of the 28 villages of the B. S. D. included in Schedule A and therefore in the Greater Bombay. Section 4 (1) provides inter alia that the enactments mentioned in Schedule D shall cease to apply to, or be in force in, the areas specified in Part II of Schedule A. The Bombay District Police Act, 1890, is one of the enactments mentioned in Schedule D and therefore this Act will cease to apply to the Chembur village. Consequently it is not feasible to issue regulations under section 45 of the Bombay District Police Act. Even action under section 60 of the Bombay District Local Boards Act, 1923 is limited to the extent prescribed in that section. It may however possible for the Govt. to prescribe such

It may however possible for the Govt. to prescribe such regulations as proposed by D. and L. G. under Department under section 2(1) of the Criminal Diseased Act, 1897. If it is decided to take action under this Act that Department may be requested to forward to this office the draft of the regulations for scrutiny.

sd/- 10/1

A & D

Agree

sd/- 10/1

D. L. A

Is there any provision in the City of Bombay Police Act which presumably apply to Govt. of Bombay.

I think it is the duty of the Department to consult laws applicable to their subjects.

Please bring up tomorrow.

sd/- 10/1

Office of the S. L. A.

Application of health regulations to shanty refugee camp. Bombay District Police Act, 1890. Section 65 (1).

Epidemic Diseases Act, 1897. Section 2 (1)

No question of law arises in this case for determination or for opinion (vide Instruction S. 104 of the Secretariat Instructions). However, the law affording the procedure for enforcement was searched. Attention is invited to section 2(1) of the Epidemic Diseases Act, 1897. The Department may consider whether or not it would be feasible to take action under that provision.

Regarding the time limit of three days indicated by the Secretary, G. & L. C. O., for obtaining the S. L. A's opinion, it is pertinent to point out that the administrative department has kept the case for full 20 days and is sending the S. L. A. on whom the burden is also thrown of searching the law with which the department affected is severally more conversant

as/-

on
Remembrancer of Legal Affairs.

G. G. to S. & L. C. O., No 456, dated the 15th January 1920.

mgn.
6/3/20.